

MEETINGS TO DATE 26
NO. OF REGULARS 23
NO. OF SPECIALS 3

LANCASTER, NEW YORK
DECEMBER 3, 1973

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York, on the 3rd day of December, 1973 at 8:00 P.M. and there were

PRESENT: LEO N. WEIMER, SUPERVISOR
JOSEPH R. BARNHARDT, COUNCILMAN
EDWARD A. BERENT, COUNCILMAN
PETER J. BOLENDER, COUNCILMAN
ARTEL J. METZ, COUNCILMAN

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
DOMINIC J. TERRANOVA, TOWN ATTORNEY
EDWARD J. FERON, JR., TOWN ENGINEER
JOHN F. LUME, HIGHWAY SUPERINTENDENT
VICTOR H. OTT, POLICE CHIEF
WILLIAM F. DOUGHERTY, JR., BUILDING INSPECTOR
JOHN M. COSTELLO, ASSESSOR III

PUBLIC HEARING SCHEDULED FOR 8:00 P.M.:

At 8:00 P.M. the Town Board held a Public Hearing to hear all interested parties and citizens for or against the amendment to the Code of the Town of Lancaster, County of Erie, State of New York, Chapter 50, Zoning, Flood Plain Legislation.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented copies of letters which were mailed Certified Mail, Return Receipt Requested, to the Erie County Department of Planning; Mr. Benedict Holtz, Town Clerk of Cheektowaga; Mr. John Shearer, Town Clerk of Amherst; Mr. Carl Giglia, Town Clerk of Clarence; Mrs. Anne Newton, Town Clerk of Alden; Mr. Joseph Ockler, Town Clerk of Elma; Mr. Linus Eck, Village Clerk of Lancaster, and Mr. Gasper Aronica, Village Clerk of Depew notifying these individuals of the time and place of this Public Hearing.

The Town Clerk presented a Zoning Coordination Referral from the Erie County Department of Planning wherein the Department acknowledged receipt of a Notice of this Public Hearing and commented as follows:

2. The proposed zoning action is subject to review; the Department has no objection thereto. Based on the information received.

The Town Clerk presented a letter from Tryon and Schwartz, retained consultants of the Town of Lancaster, to the Planning Board recommending a favorable review of this proposed rezone.

The Town Clerk presented a letter from the Town of Lancaster Planning Board to the Town Board recommending approval of the proposed rezone.

PROPOSERS:ADDRESS

Mr. Arthur Varga

254 Aurora Street,
Lancaster, New York 14086OPPOSERS:ADDRESS

None

ON MOTION BY COUNCILMAN BARNHARDT, AND SECONDED BY COUNCILMAN BOLENDER AND CARRIED, by unanimous roll call vote, the Public Hearing was closed at 8:07 P.M.

BID OPENING SCHEDULED FOR 8:15 P.M.:

At 8:15 P.M. the Town Board considered sealed proposals for furnishing to the Town of Lancaster No. 2 Fuel Oil to be used by the Town during the year 1974.

ON MOTION BY COUNCILMAN BERENT, AND SECONDED BY COUNCILMAN BOLENDER AND CARRIED, by uannimous roll call vote, the time for receiving the aforesaid proposals was closed at 8:15 P.M.

Affidavits of Publication and Posting of a Notice to Bidders were presented and ordered placed on file.

The following proposals were received:

<u>BIDDER</u>	<u>BID</u>
1. Kurk Fuel Oil Co. 1276 Harlem Road Cheektowaga, New York 14206	25.9¢ not firm

The Supervisor directed that the aforesaid proposal be turned over to the Building Committee for examination, tabulation, and recommendation.

BID OPENING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M. the Town Board considered sealed proposals for furnishing to the Town of Lancaster three (3) new 1974 automobiles for the Police Department of the Town of Lancaster.

Affidavits of Publication and Posting of a Notice to Bidders were presented and ordered placed on file.

The following proposals were received:

<u>BIDDER</u>	<u>BID</u>
1. Transitowne Dodge Inc. 7408 Transit Road Williamsville, New York 14221	\$ 8,193.00
2. Gillogly Chevrolet, Inc. 1777 Union Road West Seneca, New York 14224	\$ 8,992.39

The Supervisor directed that the aforesaid proposals be turned over to the Police Chief for examination, tabulation, and recommendation.

OFFICIAL REPORTS:

The Town Clerk reported that the following departments of the Town of Lancaster have filed with him their Monthly Reports as follows:

<u>DEPARTMENT</u>	<u>MONTH OR MONTHS OF</u>
Building Inspector	November, 1973
Dog Warden	October and November, 1973

COMMITTEE REPORTS:

Councilman Barnhardt, for the Planning Committee, reported that the Committee will meet on Thursday, December 13, 1973, for the purpose of interviewing those persons who have previously applied for appointment to the Planning Board of the Town of Lancaster.

The Town Clerk was directed to notify all applicants of the meeting and schedule the applicants for interview at 15 minute intervals.

PRESENTATION OF RESOLUTIONS BY COUNCILMEN:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BOLENDER, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ, TO WIT:

RESOLVED, that the Minutes of the Regular Meeting of the Town Board
held on November 19, 1973, as presented by the Town Clerk, be and hereby are
approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~dxklyx~~

The resolution was thereupon unanimously adopted.

December 3, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, bids for the demolition and removal of building, contents and appurtenances at 10 School Street, Lancaster, New York, have heretofore been duly advertised, and

WHEREAS, by resolution of the Town Board of the Town of Lancaster of December 3, 1973, contract for said demolition and removal of building, contents and appurtenances was duly awarded to Walt's Tree Service, Inc., 69 Cemetery Road, Lancaster, New York,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to transfer the sum of \$1,500.00 from the General Fund Account, Unappropriated Surplus, to the General Fund Account No. 7410.49, Construction Lancaster Branch Library, to cover the cost of said demolition and removal of building, contents and appurtenances at 10 School Street, Lancaster, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

duky

The resolution was thereupon unanimously adopted.

December 3, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

WHEREAS, a public hearing was held on the 3rd day of December, 1973,
for the purpose of amending portions of the Code of the Town of Lancaster,
County of Erie, State of New York, being Chapter 50 - Zoning, and perons
for and against such amendment have had an opportunity to be heard, and

WHEREAS, a Notice of said public hearing was duly published and
posted, and

WHEREAS, the Planning Board and the Planning Consultant of the Town
of Lancaster have recommended the proposed amendment of the Code of the Town
of Lancaster, and

WHEREAS, the Villages of Lancaster and Depew and the Towns of Alden,
Elma, Cheektowaga and Clarence have been given notice of such public hearing,
and

WHEREAS, In accordance with Section 239-m of the General Municipal
Law, the Erie County Department of Planning has reviewed such proposed amend-
ment and has no object with respect thereto;

NOW, THEREFORE, BE IT

RESOLVED, that Chapter 50, Zoning, of the Code of the Town of
Lancaster, County of Erie, State of New York, Is hereby amended by making
the following changes thereto:

"Section 50-8. General Application, Is hereby amended by
deleting therefrom:

Except as hereinafter provided:

- A.
- B.
- C.

D. "Special Development" or "Conservation" areas may be
designated on an Interim Development Plan or Master Plan Map (if any)
and shall be considered as having unique characteristics of location
and/or physical features. Such areas are not restricted to any
particular zoning district as established under Sec. 50-5 of this
ordinance, but instead are superimposed over any districts which
possess the above-mentioned unique characteristics of location or
physical features. If such "Development" or "Master Plan" has
been duly adopted or amended after adoption by the Planning Board,
any building permit application for such area for a use other than
those permitted in an R-1 District, or a petition for zoning change,
shall be regulated by the provisions of Sec. 50-126 (provisional
amendments) of this ordinance. For purposes of interpretation, the

"conservation" area boundary shall include all lands along Ellicott Creek within the Intermediate Regional Flood Plain as defined in the Flood Plain Inspection Report prepared by the Buffalo District Corps of Engineers dated January 1968.

and by substituting therefor:

Except as hereinafter provided:

- A.
- B.
- C.
- D.

"Special Development" or "Conservation" areas may be designated on an Interim Development Plan, or Master Plan Map (if any) and shall be considered as having unique characteristics of location and/or physical features. Such areas are not restricted to any particular zoning district as established under Sec. 50-5 of this ordinance, but instead are superimposed over any districts which possess the above-mentioned unique characteristics of location or physical features. If such "Development" or "Master Plan" has been duly adopted or amended after adoption by the Planning Board, any building permit application for the "Special Development Area" for a use other than those permitted in an R-1 District, or a petition for zoning change, shall be regulated by the provisions of Sec. 50-126 (provisional amendments) of this ordinance. In the case of lands designated as "Conservation Area", this area shall be more precisely defined as those lands subject to periodic flooding and delineated as Alluvial Soils by the Soil Conservation Service on the Interim Soil Survey for the Town of Lancaster, dated August 1969.

Prior to the issuance of any permit for the erection of any structure or building in the Conservation Area, the application for use shall be referred to the Planning Board which shall examine each case and recommend either approval or disapproval of the proposed project based on the following criteria and objectives:

1. The proposed use would not impede the flow of flood water or otherwise cause damage to life or property at, or above, or below its location on the flood plain.
2. The proposed use would not interfere with the maintenance of adequate drainage channels and ponding areas to carry abnormal flows of storm water in periods of heavy precipitation."

and

BE IT FURTHER

RESOLVED, as follows:

1. That said Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 3rd day of December, 1973.
2. That a certified copy thereof be published in the Lancaster Enterprise on December 6, 1973.
3. That a certified copy of the Notice of Adoption of this Amendment be posted on the Town Bulletin Board.

4. That affidavits of publication and posting be filed with the Town Clerk.

5. That a certified copy of the Notice of Adoption of this Amendment be furnished to the Erie County Department of Planning, the Villages of Lancaster and Depew and the Towns of Alden, Elma, Cheektowaga and Clarence.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

December 3, 1973

LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO ZONING ORDINANCE
TOWN OF LANCASTER

CHAPTER 50, ZONING, of the Code of the Town of Lancaster, County of Erie, State of New York, is hereby amended by making changes thereto as follows:

"Section 50-8. General Application, is hereby amended by deleting therefrom:

Except as hereinafter provided:

- A.
- B.
- C.

D. "Special Development" or "Conservation" areas may be designated on an Interim Development Plan or Master Plan Map (if any) and shall be considered as having unique characteristics of location and/or physical features. Such areas are not restricted to any particular zoning district as established under Sec. 50-5 of this ordinance, but instead are superimposed over any districts which possess the above-mentioned unique characteristics of location or physical features. If such "Development" or "Master Plan" has been duly adopted or amended after adoption by the Planning Board, any building permit application for such area for a use other than those permitted in an R-1 District, or a petition for zoning change, shall be regulated by the provisions of Sec. 50-126 (provisional amendments) of this ordinance. For purposes of interpretation, the "conservation" area boundary shall include all lands along Ellicott Creek within the Intermediate Regional Flood Plain as defined in the Flood Plain Inspection Report prepared by the Buffalo District Corps of Engineers dated January 1968.

and by substituting therefor:

Except as hereinafter provided:

- A.
- B.
- C.

D. "Special Development" or "Conservation" areas may be designated on an Interim Development Plan or Master Plan Map (if any) and shall be considered as having unique characteristics of location and/or physical features. Such areas are not restricted to any particular zoning district as established under Sec. 50-5 of this ordinance, but instead are superimposed over any districts which possess the above-mentioned unique characteristics of location or physical features. If such "Development" or "Master Plan" has been duly adopted or amended after adoption by the Planning Board, any building permit application for the "Special Development Area" for a use other than those permitted in an R-1 District, or a petition for zoning change, shall be regulated by the provisions of Sec. 50-126 (provisional amendments) of this ordinance. In the case of lands designated as "Conservation Area" this area shall be more precisely defined as those lands subject to periodic flooding and delineated as Alluvial Soils by the Soil Conservation Service on the Interim Soil Survey for the Town of Lancaster, dated August 1969.

Prior to the issuance of any permit for the erection of any structure or building in the Conservation Area, the application

for use shall be referred to the Planning Board which shall examine each case and recommend either approval or disapproval of the proposed project based on the following criteria and objectives:

1. The proposed use would not impede the flow of flood water or otherwise cause damage to life or property at, or above, or below its location on the flood plain.
2. The proposed use would not interfere with the maintenance of adequate drainage channels and ponding areas to carry abnormal flows of storm water in periods of heavy precipitation."

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BOLENDER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

WHEREAS, Diane L. Augustine, Clerk-Typist In the Town Assessor's
Office, has requested a leave-of-absence, and

WHEREAS, such leave-of-absence has been recommended by her Department
head,

NOW; THEREFORE, BE IT

RESOLVED, that Diane L. Augustine be and hereby is granted leave-of-
absence without pay for the period commencing January 1, 1974 and terminating
December 31, 1974.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

The resolution was thereupon ^{duly} unanimously adopted.

December 3, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc. has previously entered into a contract with the Town of Lancaster to furnish fire protection within the Town of Lancaster for the sum of \$13,500.00 per year, and

WHEREAS, said Bowmansville Volunteer Fire Association, Inc. has, in accordance with Section 184 of the Town Law of the State of New York, requested termination of said contract and that a new contract be entered into in lieu thereof for an increased sum per annum, and

WHEREAS, the 1974 Budget of the Town of Lancaster has an appropriation therein in the sum of \$14,000.00 for payment for fire protection to the said Bowmansville Volunteer Fire Association, Inc.,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 184 of the Town Law of the State of New York, a public hearing will be held on the 17th day of December, 1973, at 8:00 o'clock P.M., Eastern Standard Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, and that Notice of such hearing be published in the Lancaster Enterprise, the official newspaper, on December 6, 1973, and be posted on the Town Bulletin Board, which notice shall specify the time when and the place where said hearing will be held and describe in general terms the proposed contract and shall be in the following form:

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 3rd day of December, 1973, the said Town Board will hold a public hearing on the 17th day of December, 1973, at 8:00 o'clock P.M., Eastern Standard Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of hearing all interested persons for or against contracting with the Bowmansville Volunteer Fire Association, Inc. for fire protection to be furnished by said fire association to the Fire Protection District established in the Town of Lancaster, upon the following general terms, to wit:

- A. The Bowmansville Volunteer Fire Association, Inc. shall answer and attend upon all calls in said Fire Protection District, and first-alarm fire calls and provide first aid and rescue service, as defined in Section 184 of the Town Law and Section 209-b of the General Municipal Law, in that territory described in said proposed contract filed in the Town Clerk's Office.
- B. For such services, the said Fire Association shall receive the sum of \$14,000.00 during the calendar year 1974 and annually thereafter for a period not exceeding three(3) additional calendar years.
- C. Such other incidental terms as may be necessary or proper in connection with such contracting.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

Dated: December 3, 1973

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
COUNCILMAN METZ	VOTED YES
SUPERVISOR WEIMER	VOTED YES

The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, the Millgrove Volunteer Fire Department, Inc. has previously entered into a contract with the Town of Lancaster to furnish fire protection within the Town of Lancaster for the sum of \$3,250.00 per year, and

WHEREAS, said Millgrove Volunteer Fire Department, Inc. has, in accordance with Section 184 of the Town Law of the State of New York, requested termination of said contract and that a new contract be entered into in lieu thereof for an increased sum per annum, and

WHEREAS the 1974 Budget of the Town of Lancaster has an appropriation therein in the sum of \$3,375.00 for payment for fire protection to the said Millgrove Volunteer Fire Department, Inc.,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 184 of the Town Law of the State of New York, a public hearing will be held on the 17th day of December, 1973, at 8:10 o'clock P.M., Eastern Standard Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, and that Notice of such hearing be published in the Lancaster Enterprise, the official newspaper, on December 6th, 1973, and be posted on the Town Bulletin Board, which notice shall specify the time when and the place where said hearing will be held and describe in general terms the proposed contract and shall be in the following form:

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 3rd day of December, 1973, the said Town Board will hold a public hearing on the 17th day of December, 1973, at 8:10 o'clock P.M., Eastern Standard Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of hearing all interested persons for or against contracting with the Millgrove Volunteer Fire Department, Inc. for fire protection to be furnished by said fire department to the Fire Protection District established in the Town of Lancaster upon the following general terms, to wit:

- A. The Millgrove Volunteer Fire Department, Inc. shall answer and attend upon all calls in said Fire Protection District, and provide emergency first aid, rescue and emergency transportation service, as defined in Section 184 of the Town Law and Section 209-b of the General Municipal Law, in that territory described in said proposed contract filed in the Town Clerk's Office.
- B. For such services, the said Fire Department shall receive the sum of \$3,375.00 during the calendar year 1974 and annually thereafter for a period not exceeding three (3) additional calendar years.
- C. Such other incidental terms as may be necessary or proper in connection with such contracting.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

Dated: December 3, 1973

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
COUNCILMAN METZ	VOTED YES
SUPERVISOR WEIMER	VOTED YES

The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc. has previously entered into a contract with the Town of Lancaster to furnish fire protection within the Town of Lancaster for the sum of \$13,500.00 per year, and

WHEREAS, said Town Line Volunteer Fire Department, Inc. has, in accordance with Section 184 of the Town Law of the State of New York, requested termination of said contract and that a new contract be entered into in lieu thereof for an increased sum per annum, and

WHEREAS, the 1974 Budget of the Town of Lancaster has an appropriation therein in the sum of \$14,000.00 for payment for fire protection to the said Town Line Volunteer Fire Department, Inc.,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 184 of the Town Law of the State of New York, a public hearing will be held on the 17th day of December, 1973, at 8:20 o'clock P.M., Eastern Standard Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, and that Notice of such hearing be published in the Lancaster Enterprise, the official newspaper, on December 6, 1973, and be posted on the Town Bulletin Board, which Notice shall specify the time when and the place where said hearing will be held and describe in general terms the proposed contract and shall be in the following form:

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 3rd day of December, 1973, the said Town Board will hold a public hearing on the 17th day of December, 1973, at 8:20 o'clock P.M., Eastern Standard Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of hearing all interested persons for or against contracting with the Town Line Volunteer Fire Department, Inc. for fire protection to be furnished by said fire department to the Fire Protection District established in the Town of Lancaster, upon the following general terms, to wit:

- A. The Town Line Volunteer Fire Department, Inc. shall answer and attend upon all calls in said Fire Protection District, and first-alarm fire calls and provide first aid and rescue service, as defined in Section 184 of the Town Law and Section 209-b of the General Municipal Law, in that territory described in said proposed contract filed in the Town Clerk's Office.
- B. For such services, the said Fire Department shall receive the sum of \$14,000.00 during the calendar year 1974 and annually thereafter for a period not exceeding three (3) additional calendar years.
- C. Such other incidental terms as may be necessary or proper in connection with such contracting.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

Dated: December 3, 1973

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
COUNCILMAN METZ	VOTED YES
SUPERVISOR WEIMER	VOTED YES

The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc. has previously entered into a contract with the Town of Lancaster to furnish fire protection within the Town of Lancaster for the sum of \$13,500.00 per year, and

WHEREAS, said Twin District Volunteer Fire Company, Inc. has, in accordance with Section 184 of the Town Law of the State of New York, requested termination of said contract and that a new contract be entered into in lieu thereof for an increased sum per annum, and

WHEREAS, the 1974 Budget of the Town of Lancaster has an appropriation therein in the sum of \$14,000.00 for payment for fire protection to the said Twin District Volunteer Fire Company, Inc.,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 184 of the Town Law of the State of New York, a public hearing will be held on the 17th day of December, 1973, at 8:30 o'clock P.M., Eastern Standard Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, and that notice of such hearing be published in the Lancaster Enterprise, the official newspaper, on December 6, 1973, and be posted on the Town Bulletin Board, which notice shall specify the time when and the place where said hearing will be held and describe in general terms the proposed contract and shall be in the following form:

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 3rd day of December, 1973, the said Town Board will hold a public hearing on the 17th day of December, 1973, at 8:30 o'clock P.M., Eastern Standard Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of hearing all interested persons for or against contracting with the Twin District Volunteer Fire Company, Inc. for fire protection to be furnished by said fire company to the Fire Protection District established in the Town of Lancaster, upon the following general terms, to wit:

- A. The Twin District Volunteer Fire Company, Inc. shall answer and attend upon all calls in said Fire Protection District, and first-alarm fire calls in that territory described in said proposed contract filed in the Town Clerk's Office.
- B. For such services, the said Fire Department shall receive the sum of \$14,000.00 during the calendar year 1974 and annually thereafter for a period not exceeding three (3) additional calendar years.
- C. Such other incidental terms as may be necessary or proper in connection with such contracting.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

Dated: December 3, 1973

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
COUNCILMAN METZ	VOTED YES
SUPERVISOR WEIMER	VOTED YES

The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, the Superintendent of Highways of the Town of Lancaster has
requested certain essential equipment exceeding \$200.00 for use in his Depart-
ment, and

WHEREAS, there are sufficient funds in the appropriate accounts for
payment therefor,

NOW, THEREFORE, BE IT

RESOLVED, that the Highway Superintendent be and hereby is authorized
to purchase the following items of equipment:

1000 feet snow fencing	\$ 320.00
300 6-foot Iron stakes	405.00
1 - 4 inch Trch Pump & suction hose	not exceeding 1108.00

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

December 3, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN,
BOLENDER , TO WIT:

WHEREAS, the Police, Fire and Safety Committee of the Town Board
and the Chief of Police have completed a highway safety investigation of
portions of the Town of Lancaster which reveals that certain safety measures
should be taken to improve the safety of the users of certain highways in the
Town of Lancaster, and

WHEREAS, such safety measures will require the cooperation and
assistance of the Erie County Department of Public Works, Division of Highways,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster directs the
Town Clerk of the Town of Lancaster to contact the Deputy Commissioner-Highways
of the Erie County Department of Public Works, for the following actions or
studies by the Erie County Department of Public Works:

1. Survey and make feasibility study relative to the installation of a traffic control device at the intersection of William Street and Bowen Road.
2. Survey and make feasibility study relative to the installation of a traffic control device at the intersection of Walden Avenue and Ransom Road.
3. Survey and make feasibility study relative to the maximum speed at which vehicles may safely travel on Bowen Road between Broadway and the south line of the Town of Lancaster.
4. Make immediate installation of guard rails to replace the present posts in the area of Bowen Road both on the east and west side for a distance of approximately 300 feet north of the Cayuga Creek bridge and the Como Park Entrance.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~duky~~
The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, bids for the demolition and removal of building, contents and appurtenances at 10 School Street, Lancaster, New York, have heretofore been duly advertised, and

WHEREAS, said bids were duly received and opened on November 19, 1973, and referred to Krehbiel-Guay-Rugg-Hall, the Town Engineers, for tabulation, report and recommendation, and

WHEREAS, Krehbiel-Guay-Rugg-Hall have reviewed the bids and recommended that the contract for such work and materials be awarded to Walt's Tree Service, Inc., 69 Cemetery Road, Lancaster, New York, for the low bid of \$1,230.00, being the lowest responsible bid offered for said demolition and removal of building, contents and appurtenances at 10 School Street,

NOW, THEREFORE, BE IT

RESOLVED, that the low bid of Walt's Tree Service, Inc. in the amount of \$1,230.00, being the lowest responsible bid for demolition and removal of building, contents and appurtenances at 10 School Street, be and hereby is accepted, and

BE IT FURTHER

RESOLVED, that a contract be entered into between the Contractor, Walt's Tree Service, Inc., and the Town of Lancaster, and that the Supervisor be and hereby is authorized and directed to execute the contract, on approval of the Town Attorney of said contract and of the required performance bond and insurance certificates.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

The resolution was thereupon unanimously adopted.

December 3, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT;

WHEREAS, Elmer A. Adolf has agreed to the letting of first floor of premises known as No. 46 Central Avenue in the Village of Lancaster for use of the Senior Citizens Program of the Recreation Department of the Town of Lancaster, for the term commencing February 1, 1974, and ending the last day of one (1) full month following complete occupancy and opening of the new Lancaster Branch Library to be constructed on Broadway and School Street in the Village of Lancaster or January 31, 1976, whichever shall sooner occur, and

WHEREAS, the Town Attorney has reviewed the terms of said lease and has approved same,

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lancaster enter into a written lease with Elmer A. Adolf for the first floor of premises locally known as No. 46 Central Avenue, Lancaster, New York, for a term commencing February 1, 1974, and ending the last day of one (1) full month following complete occupancy and opening of the new Lancaster Branch Library to be constructed on Broadway and School Street in the Village of Lancaster, or January 31, 1976, whichever shall sooner occur, and

BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said lease on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

The resolution was thereupon unanimously adopted.

December 3, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, Marrano Enterprises Inc. has requested a modification of
drainage easement in the Kennedy Court Subdivision, and

WHEREAS, said request has been thoroughly reviewed by the Investigating
Committee of the Town Board and the Town Engineer, and

WHEREAS, said modification of easement would require the construction
of a proposed retaining wall across Sublots 8 through 11 inclusive, being
Nos. 32 through 44 Kennedy Court inclusive, and .

WHEREAS, such retaining wall and other drainage modifications will
have to be completed by Marrano Enterprises Inc. in conformity with the
specifications of the Town Engineer and under his inspection and the inspection
of the Highway Superintendent,

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lancaster shall modify a certain drainage
easement along the south side of lots fronting on Kennedy Court in the Kennedy
Court Subdivision upon completion of a certain retaining wall construction
in accordance with specifications of the Town Engineer and upon inspection and
approval of the Town Engineer and Town Highway Superintendent, and

BE IT FURTHER

RESOLVED, that upon completion of such remedial drainage work, the
Town Board of the Town of Lancaster hereby directs the Supervisor to enter
into an easement agreement approved by the Town Attorney modifying the present
15-foot easement across Subdivision Lots 8 through 11 inclusive, being premises
known as Nos. 32 through 44 Kennedy Court inclusive, so as to provide for a
7-1/2 foot easement for drainage purposes over said premises.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
COUNCILMAN METZ	VOTED YES
SUPERVISOR WEIMER	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN BERENT, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT, TO WIT:

WHEREAS, Gloria Gorenflo, Youth Employment Counsellor with the
Town of Lancaster Youth Bureau, has requested a Sick Leave of Absence for
a period of two months commencing December 3, 1973,

NOW, THEREFORE, BE IT

RESOLVED, that Gloria Gorenflo be and hereby is granted a
Sick Leave of Absence, with pay, for a period of two months commencing
December 3, 1973, said leave and pay to be charged against the employee's
bank of Sick Leave Credits.

The question of the adoption of the foregoing resolution was
duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~and~~
The resolution was thereupon unanimously adopted.

December 3, 1973

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN BOLENDER, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Funds	No. 6568 to 6651 Incl.	\$ 231,127.38
Special District Funds	No. 1276 to 1279 Incl.	6,007.96
Part Town Funds	No. 1523 to 1528 Incl.	23,087.11
Highway Funds	No. 3184 to 3203 Incl.	47,124.46
Trust & Agency Funds	No. 497 to 502 Incl.	4,931.72
Federal Revenue Sharing	No. 19 to 19 Incl.	199,205.29

The question of the adoption of the foregoing resolution was duly put
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
COUNCILMAN METZ VOTED YES
SUPERVISOR WEIMER VOTED YES

~~duky~~
The resolution was thereupon unanimously adopted.

December 3, 1973

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN METZ, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
BOLENDER, TO WIT:

RESOLVED, that the following Building Permit Applications be and are
hereby approved and the issuance of Building Permits be and are hereby
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
149	Coral Pools	6711 Transit Road	EX. FR. STORE BLDG.
150	Alphonse St. George	94 Westwood Road	ER. SING. DWLG. PVT. GAR.

The question of the adoption of the foregoing resolution was duly put
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~xxx~~
The resolution was thereupon unanimously adopted.

December 3, 1973

THE FOLLOWING RESOLUTION WAS OFFERED BY
 COUNCILMAN BOLENDER, WHO MOVED ITS
 ADOPTION, SECONDED BY COUNCILMAN METZ
 TO WIT:

BE IT RESOLVED, that the following transfers within the General Fund of the Town of Lancaster be effected:

	Account	To Amount	From Account	Amount
<u>Elections</u>				
Distributing Equip. & Supplies	A.00.1450.47	\$ 219.56		
Rental of Polling Places			A.00.1450.46	\$ 219.56
<u>Buildings - Town Hall</u>				
Sub. & Vacation Salary	A.00.1620.14	24.00		
Supplies & Maint. of Machinery	A.00.1620.44	259.32		
Painting & Repairs			A.00.1620.43	283.32
<u>Central Data Processing</u>				
Contractual Expenses	A.00.1680.40	556.65		
Transfer from Unapprop. Bal.			A.00.9999.00	556.65
<u>Police & Constables</u>				
Clothing Allowance	A.00.3120.47	189.25		
Training Programs			A.00.3120.46	189.25
<u>Superintendent of Highways</u>				
Office and Other Expenses	A.00.5010.41	69.30		
Transfer from Unapprop. Bal.			A.00.9999.00	69.30
<u>Historian</u>				
Microfilming Records	A.00.7510.46	150.00		
Equipment			A.00.7510.20	150.00
<u>Employee Benefits</u>				
Hospital & Medical Insurance	A.00.9060.80	1,805.84		
Transfer from Unapprop. Bal.			A.00.9999.00	1,805.84

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED	<u>YES</u>
COUNCILMAN BERENT VOTED	<u>YES</u>
COUNCILMAN BOLENDER VOTED	<u>YES</u>
COUNCILMAN METZ VOTED	<u>YES</u>
SUPERVISOR WEIMER VOTED	<u>YES</u>

The resolution was declared unanimously adopted.

DATED: December 3, 1973

Councilman Bolender requested a suspension of the necessary rule for immediate consideration of the following resolution - SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN BOLENDER, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
METZ, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster has requested a transfer within the Highway Budget of the Town of Lancaster

NOW, THEREFORE, BE IT

RESOLVED, that the following transfer within the Highway Fund of the Town of Lancaster be affected:

Highway Item 3

\$5,000.00 from Debt Service to the Equipment Account, and
\$5,000.00 from Debt Service to Contractual Expenses

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
COUNCILMAN METZ	VOTED YES
SUPERVISOR WEIMER	VOTED YES

The resolution was thereupon unanimously adopted.

December 3, 1973

STATUS REPORTS ON UNFINISHED BUSINESS:

1. Traffic Study - Walden Avenue

On March 12, 1973 the New York State Department of Transportation indicated that the necessary speed checks for this study were being taken during the week of February 26th and that a report will be forthcoming.

2. Rezone Petition - Ralph Figlow - Aurora Street

On October 16, 1972, after a Public Hearing, this matter was referred back to the Planning Board for review and report to the Town Board.

3. Cayuga Creek Flood Program

On May 11, 1973 the Army Corps of Engineers notified the Town Board that they had completed their field inspection and that they are preparing a report which is scheduled to be completed by September, 1973.

4. Tax Abatement - Police Services - County Sheriff's Department

On September 27, 1973 the Assistant County Attorney transmitted to the Town of Lancaster a copy of the most recent Comptroller's opinions relative to this type of tax abatement.

The Town Attorney was directed to review the opinions and report back to the Town Board.

5. Railroad Crossing - Improved Safety

On July 24, 1973 the Erie-Lackawanna Railroad acknowledged receipt of a letter from the Town Attorney and indicated that they have programmed these crossings for repairs.

On December 3, 1973 Councilman Metz reported that repairs to the Steinfeldt Road and Pavement Road crossings should be completed within the next few days.

6. Adoption of Flood Plain Legislation

On December 3, 1973 the Town Board adopted Flood Plain Legislation.

The Town Clerk was directed to remove this item from the future agendas of the Town Board.

PERSONS DESIRING TO ADDRESS THE TOWN BOARD:

Mrs. Betty Tousley, 88 Bowen Avenue, Lancaster, New York, asked the Town Board if more agendas could be prepared and made available for the public at Town Board meetings.

The Town Clerk informed the Supervisor and Mrs. Tousley that he would take care of the preparation of more agendas.

Mr. Donald Diebel, 2 Elm Place, Lancaster, New York, asked Councilman Barnhardt if he would be invited for an interview on December 13th for appointment to the position of Planning Board Member.

Councilman Barnhardt informed Mr. Diebel he would be invited for an interview.

Mr. Diebel and the Town Board also discussed at some length the Winter Recreation Program of the Town of Lancaster, and specifically the development of any winter recreation this year at the Ransom Road-Walden Avenue Nike Site which was recently acquired by the Town of Lancaster for Recreation purposes.

Mr. Douglas Arthur, 1066 Erie Street, Lancaster, New York, asked the Supervisor to explain briefly to him how the Town Board operates relative to matters being presented to it and disposition of these matters.

The Supervisor took a few moments to explain to Mr. Arthur how items are presented to the Town Board by persons addressing the Board or by letters, how they are referred to Committee, how the Committee recommends action to the Town Board and the Town Board subsequently adopts resolutions.

COMMUNICATIONS:DISPOSITION

462. Town Clerk to Town Board -
Resume of actions taken in response to
resolutions and directions - Meeting
of November 19, 1973.
463. Erie County Water Authority to Town
Clerk -
Transmittal - Certified copy of
resolution amending Rules specifically
to rates for water consumption within
the Authority's service area.
464. Krehbiel-Guay-Rugg-Hall to Town Board -
Recommendation - Walt's Tree Service,
Inc. be awarded contract - Demolition
of 10 School Street.
465. Lancaster Village Clerk to Town Board -
Re: Request for meeting with Village
of Lancaster Board of Trustees -
Recreation Development - referred to
Village Planning Commission for study
and recommendation.
466. Lancaster Village Clerk to Town Board -
Thank you from Village Board for
resolving to exempt 75% of Budget
Items - Highway and Police.
467. Depew Water Dept. to Town Board -
Transmittal - resolution of 11/19/73
stating any new buildings being
erected in Township adjacent to
Village of Depew water lines cannot
be supplied or serviced by Village of
Depew Water Dept. after 11/19/73.
468. Recreation Director and Recreation
Commission Member to Town Board -
Request authorization of Recreation
Director to attend Annual Recreation
Conference on January 24, 25, 26, and
27 at Kiamesha Lake, New York in an
amount not to exceed \$275.00.
469. Town Clerk to Supervisor -
Request transfer of funds within
Election Budget.
470. Town Historian to Town Board -
Request transfer of funds.
471. Supervisor to Town Board -
Notification - Investment of funds
with Marine Midland Bank-Western
on November 16, 1973 for total
dollar earning of \$2,925.00.
472. John J. Barbaro to Town Board -
Application to Vacancy on Town
Planning Board.
473. Gloria Gorenflo to Town Board -
Request two (2) month Leave of
Absence for surgery and recuperation.
474. Highway Superintendent to Town Board -
Request authorization to obtain 4 inch
Homelite Trch Pump and suction hose.

R & F

Water Committee

R & F

Planning Board
Recreation Commission
Planning Committee
Recreation Committee

R & F

Building Inspector
Water Committee

Recreation Committee

R & F

R & F

R & F

Planning Committee

R & F

R & F

COMMUNICATIONS:

DISPOSITION

475. Town Clerk to Town Board -
Request meeting to review New Dog License Law.

R & F

476. Chairman, Committee on Laws Affecting Local Governments to Supervisor -
Notification - Public Hearing - Thursday, December 6, 1973 - Cheektowaga Central High School Auditorium.

Town Attorney

477. County Dept. of Public Works to Supervisor -
Transmittal - Forms to be completed regarding reduction of State Maximum Speed Limit from 55 m.p.h. to 50 m.p.h.

R & F

Councilman Bofender requested a suspension of the necessary rule for introduction of the following Communication - SUSPENSION GRANTED.

478. Holloway & Company to Town Board -
Request transfer of funds - Highway Department.

R & F

ADJOURNMENT:

ON MOTION OF COUNCILMAN BARNHARDT, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:00 P.M. our of respect to:

SOPHIE REITMEIER

Signed

Robert P. Thill
Robert P. Thill, Town Clerk